

EXHIBIT 4

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MARYLAND**
(Southern Division)

JAMES HERBERT BOYD, JR., *et al.*,
individually and on behalf of all
similarly-situated individuals,

Plaintiffs,

Civil Action No.: 15-cv-3068 PJM

v.

SFS COMMUNICATIONS, LLC, *et al.*,

Defendants.

DECLARATION OF OMAR VINCENT MELEHY

I, Omar Vincent Melehy, hereby declare and state the following:

I. Omar Vincent Melehy

A. Education and Bar Admission

1. I am a resident of the State of Maryland, admitted to practice law in the District of Columbia and the State of Maryland. I was admitted to the Maryland Bar on January 7, 1987 and to the District of Columbia Bar on December 7, 1988. I am one of the founding principals of Zipin & Melehy LLC, a former private law firm located in Silver Spring, Maryland, and Melehy & Associates LLC, a private law firm currently located in Silver Spring, Maryland, which concentrates its practice in employment law, including employment discrimination and wage and hour.

2. I graduated from the University of Texas in 1982. In May, 1986, I graduated from the Antioch School of Law.

3. Aside from being a member of the District of Columbia and Maryland bars, I am

also admitted to practice in the United States Court of Appeals for the Fourth Circuit, the United States Court of Appeals for the District of Columbia Circuit, the United States Court of Appeals for the Federal Circuit, the United States District Court for the District of Maryland, and the United States District Court for the District of Columbia.

B. Experience

4. Following graduation from law school, I served as a law clerk for the Honorable Judge William H. Adkins II of the Maryland Court of Appeals, Maryland's highest state court.

5. In September 1988, I joined the Maryland Office of the Attorney General where I worked as a staff attorney in the Civil Litigation Division. While at the Attorney General's Office, I worked on civil suits against the State of Maryland, including employment discrimination suits and actions brought under 42 U.S.C. §1983. I also represented the State in administrative proceedings of various types, including appeals of disciplinary suspension or removal of State employees.

6. In September 1990, I became an Assistant Attorney General and represented the Maryland Department of Transportation. During this time, I participated as co-counsel and lead counsel in the defense of numerous lawsuits including tort suits, eminent domain proceedings, and discrimination cases in federal court. At this time, I had a total of eight jury trials and served as lead counsel in seven of those trials.

7. In May 1997, together with my wife, Suvita Melehy, I founded Melehy & Melehy LLC. This firm later became Zipin & Melehy, LLC, and later Melehy & Associates LLC (the "Firm"). While the size of the Firm has fluctuated over the years, the Firm presently has one principal, one managing attorney, one associate attorney, two paralegals, and one office assistant.

8. I am currently President of the Metropolitan Washington Employment Lawyers'

Association (“MWELA”). I was also on the Board of Directors of a non-profit corporation – the Washington Lawyer’s Committee for Urban Rights and Civil Affairs.

9. Since entering private practice, I have served as lead counsel in over 60 cases filed in the United States District Court for the District of Columbia or the United States District Court for the District of Maryland in the areas of discrimination in employment and cases under the Fair Labor Standards Act and state and local wage laws.

10. In addition to this case, I have been involved in two other class action/collective actions: *Adam Claverie, et al. v. MobileRev LLC, et al.*, Case No.: 8:14-cv-02875-MAB (D. Md) (a wage and hour collective action) and *Dante Gilliam, et al. v. HBE Corporation, et al.*, Case No.: 99-596-CIV-ORL-22C (a Rule 23 class action case involving discrimination in public accommodation).

11. I have been lead or trial counsel in approximately 19 civil jury trials in state and federal courts – three of which were approximately three weeks in length; I have also been lead counsel in approximately 30 bench trials in state and federal court. Five of the bench trials were in wage and hour cases.

12. In 2001, I served as trial counsel in a high profile employment contract case – *Michael Conte v. Towson University* – which was litigated in the Circuit Court for Baltimore County, Maryland. The verdict in the case was in excess of \$900,000. I was also lead counsel in a whistleblower retaliation case filed in United States District Court for the District of Columbia – *Mohamed Amin Kakeh v. United Planning Organization*, where, following a three-week jury trial, judgment was entered for \$420,000.

13. I have also served as Lead Counsel in approximately 15 cases before the Merit Systems Protection Board (“MSPB”), five of which resulted in evidentiary hearings.

14. I have served as Lead Counsel in approximately 35 cases which were adjudicated administratively before the Equal Employment Opportunity Commission (“EEOC”), resulting in approximately 14 evidentiary hearings.

15. I have been lead counsel in approximately 30 appeals in state and federal court. I have been lead counsel in approximately 8 employment-related appeals in the Maryland appellate courts, Federal Circuit, the Fourth Circuit, the D.C. Circuit, and the District of Columbia Court of Appeals.

16. I have an AV rating from Martindale-Hubbell. The AV rating is "a significant rating accomplishment - a testament to the fact that a lawyer's peers rank him or her at the highest level of professional experience." The AV rating is the highest level rating that a lawyer can achieve from Martindale-Hubbell. Further, the AV rating score specifically relates to my reputation as a skilled litigator within the local legal community, as Martindale-Hubbell sends confidential invitations to attorneys and the judiciary to voluntarily provide a review of lawyers about whom they have personal knowledge.

17. I have been involved in all aspects of this case as the supervising partner on behalf of Melehy & Associates LLC. I interviewed many of the named Plaintiffs and early opt-in Plaintiffs and assisted in the drafting of the Complaint. I drafted a model declaration used for Plaintiffs’ conditional certification motion under the FLSA, provided strategic advice on this motion, drafted and responded to written discovery, and defended two of the named Plaintiffs’ and two of the opt-in Plaintiffs’ depositions. I researched and provided insight into the Maryland state law claims brought in this action. Plaintiffs are seeking to recover a total of 125.8 hours¹ for a total of \$78,643.75 for the work I performed on this case (15.5 hours that I billed to this case were

¹ This number is a rounded number to 125.8 hours. See Exhibit A to the Declaration of Sam J. Smith.

deducted pursuant to billing judgment).

II. The Legal Professionals that Worked on the Case.

18. **Andrew Balashov** is a 2010 graduate of the University of Maryland at College Park. He graduated magna cum laude from the University of Baltimore School of Law in May 2015. While there, he served as a member of the Journal of Land and Development. He worked as a law clerk at the Firm beginning February 2015 until December 2015 when he joined as an attorney. He was admitted to the Maryland Bar in December 2015. Mr. Balashov's primary concentration is employment law, and within that field a substantial part of his practice includes wage and hour cases. Mr. Balashov handled the discovery responses for 8 of the opt-in and named Plaintiffs. He worked with them to prepare their interrogatory responses and their responses to the Defendants' document requests. As part of this process he personally interviewed each of them and went through the discovery requests with them in detail and helped them draft their answers and, where applicable, formulate objections. He also helped prepare several of the opt-in and named Plaintiffs for their depositions by reviewing the discovery materials with them, discussing their damages and hours worked, and answering their many questions about the depositions. Plaintiffs are seeking to recover a total of 98.5 hours for a total of \$34,475 for the work Mr. Balashov performed on this case (9.3 hours that Mr. Balashov billed to this case were deducted pursuant to billing judgment).

19. **Mirian Martinez.** During the time this case was pending, Mirian Martinez was a paralegal who worked on this case. Ms. Martinez worked at the Firm from 2018 through May 2019, when she left to resume college. With regard to this case, she served as a point of contact with the Plaintiffs and communicated with them about discovery matters, including the scheduling

of their depositions. Plaintiffs are seeking to recover a total of 5 hours for a total of \$900 for the work Ms. Martinez performed on this case.

20. **Nicholas Blackmore.** Nicholas Blackmore has worked as a discovery paralegal at Melehy & Associates from 2018 until sometime in 2020. Mr. Blackmore holds a Bachelor's Degree from the University of Phoenix and a Certificate in Paralegal Studies from the Paralegal Institute of Washington D.C. Mr. Blackmore is well-versed in e-discovery protocols and data management. With regard to this case, Mr. Blackmore reviewed and outlined depositions, performed calculations of attorney's fees, and prepared quarterly reports of attorney's fees incurred. Plaintiffs are seeking to recover a total of 24.1 hours for a total of \$4,338 for the work Mr. Blackmore performed on this case (.5 hours that Mr. Blackmore billed to this case were deducted pursuant to billing judgment).

21. **Robert Porter.** Mr. Porter worked as an associate attorney at the Firm from March 2013 to November 2017. He graduated in early June 2003 from the University of Chicago Law School and currently practices primarily in the field of employment law. Mr. Porter was employed by a small firm in Washington, D.C. after graduating from law school, performing general civil litigation. He clerked for a judge on the Virginia Court of Appeals from August, 2005 to August, 2008, during which time he conducted research and drafted opinions. After he left the clerkship, he worked on several pro-bono employment cases through the D.C. Employment Justice Center. He was also employed in private practice before joining Melehy & Associates LLC. He is a member of the state and federal bars in Maryland, the District of Columbia, and Virginia (Eastern District). With regard to this case, Mr. Porter assisted with the drafting of the complaint, reviewed pleadings filed in the case, prepared quarterly reports regarding attorney's fees, assisted with drafting written discovery requests, and conducted legal research. Plaintiffs are seeking to recover

a total of 8 hours for a total of \$3,400 for the work Mr. Porter performed on this case (2.7 hours that Mr. Porter billed to this case were deducted pursuant to billing judgment).

22. **Elizabeth Danquah-Brobby.** Ms. Danquah-Brobby graduated *summa cum laude* from the University of Baltimore School of Law in 2017. She worked at the Firm as a law clerk from 2015 until 2017. Ms. Danquah-Brobby was admitted to the Maryland Bar in December 2017. With regard to this case, Ms. Danquah-Brobby communicated with potential opt-ins, facilitated their execution of opt-in forms and retainer agreements, drafted fee and cost spreadsheets to be used in quarterly reports of attorney's fees, researched the status and litigation history of the defendant corporations, and reviewed time records. Plaintiffs are seeking to recover a total of 11.5 hours for a total of \$2,070 for the work Ms. Danquah-Brobby performed on this case (5 hours that Ms. Danquah-Brobby billed to this case were deducted pursuant to billing judgment).

23. **David Engstrom.** David Engstrom is a 2013 cum laude graduate of the George Washington University. He attended Georgetown University Law Center where he was a member of the Georgetown Journal of Legal Ethics. Mr. Engstrom states on his LinkedIn that he is currently an Administrative Law Attorney with the 101st Airborne Division, U.S. Army. He worked as a law clerk at the Firm from May 2016 until early 2017. With regard to this case, he communicated with the Plaintiffs regarding their declarations, drafted declarations, and reviewed and organized them. Plaintiffs are seeking to recover a total of 8 hours for a total of \$1,440 for the work Mr. Engstrom performed on this case.

III. The Firm's Billing Practices.

24. The Firm's timekeepers record time in one-tenth of one hour increments. All timekeepers keep track of time with time and billing software known as Abacus Law. They all

keep time records contemporaneously with the expenditure of time in accordance with the Firm's policies. In this case specifically, all timekeepers kept contemporaneous time records.

25. I founded the Firm in 1997, in part to gain the independence to take cases that are personally rewarding. I have focused my practice on civil rights cases and employment law, primarily discrimination, retaliation, and wage and hour violations. However, I also have been engaged in other types of litigation such as real estate litigation, family law litigation, and some commercial litigation. Although the civil rights work is personally rewarding, it is difficult to sustain, as civil rights plaintiffs are rarely able to afford the full cost of representation. Even in cases where contingency fee arrangements may be possible, these cases are only made feasible by the prospect of recovering fees under fee shifting provisions such as the ones at issue in this case which award fees at market rates.

26. The Firm has established rates for all its attorneys and staff that I set as the Firm's standard or normal and customary billing rates. These billing rates are below market rates, for public-spirited reasons. The Firm's current normal and customary rates (as of July 1, 2021) are as follows:

Omar Vincent Melehy	\$625.00 per hour;
Suvita Melehy	\$575.00 per hour;
Andrew Balashov	\$350.00 per hour; and
Paralegals and Law Clerks	\$180.00 per hour.

On this 5th day of August, 2021, I hereby affirm under penalty of perjury that the above is true and correct.

/s/Omar Vincent Melehy
Omar Vincent Melehy